

UNITED STATES DISTRICT COURT
for the
District of New Mexico

FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

United States of America
v.

Valentin GARCIA
SSN: XXX-XX-2311
DOB: XX/XX/1992

Case No. **24 MJ 17**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 7, 2023 in the county of Bernalillo in the
 District of New Mexico, the defendant(s) violated:

Code Section

18 U.S. Code § 751

Offense Description

Escape

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Kevin Hinson
Complainant's signature

DUSM Kevin Hinson
Printed name and title

Sworn to telephonically and signed electronically.

Date: 1/5/2024

B Paul Briones
Judge's signature

City and state: Albuquerque, New Mexico

B. Paul Briones, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A ARREST WARRANT**

I, Kevin Hinson, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Deputy United States Marshal with the United States Marshals Service (USMS) and have been since September 14, 2020. I have received and completed training at the Federal Law Enforcement Training Academy (FLETC) as a criminal investigator. During my tenure with the USMS, I have investigated and assisted in the apprehension of Federal, State, and local fugitives to include but not limited to sex offenders, gang members, violent repeat offenders, and those with extensive criminal history. Some of these investigations have required me to submit court orders and/or affidavits to further investigations on such fugitives.

2. Prior to my time with the USMS, I was a local law enforcement officer in the State of Texas for approximately five years. During my time as a police officer, I served in various assignments where I developed investigative and law enforcement skills. During this period, I interdicted, arrested, and prosecuted numerous offenders for misdemeanor and felony crimes.

3. The facts in this affidavit come from my personal observations, and my review of United States District Court records, official Bureau of Prison (BOP) records and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that on or about August 7, 2023, Valentin GARCIA knowingly escaped from the custody of the BOP

in which he was confined by the direction of a United States District Court Judge, in violation of 18 U.S.C. § 751(a).

PROBABLE CAUSE

5. On September 17, 2015, GARCIA entered into a Rule 11(c)(1)(C) plea agreement in Cause No. 15-CR-01505 in which he agreed to plead guilty to three counts of the indictment charging him with Interference and Conspiracy to Interfere with Interstate Commerce by Robbery and Violence in violation of 18 U.S.C. § 1951(a), Theft of Medical Products in violation of 18 U.S.C. §§ 670(a)(1), (b)(2)(A), and (B), and Possession with Intent to Distribute Oxycodone in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

6. On December 17, 2015, GARCIA appeared and was sentenced before a United States District Court Judge within the District of New Mexico. GARCIA was committed to the custody of the BOP for a term of 120 months (10 years) incarceration. A term of 36 months was imposed as to Counts 1 and 4, to run concurrently with the term of 84 months as to Count 2. GARCIA was also sentenced to serve a term of three years of supervised release following his release from BOP custody.

7. The BOP is part of the United States Department of Justice, which is headed by the United States Attorney General.

8. On May 4, 2023, GARCIA was placed at the Dismas Charities Diersen Residential Reentry Center (Diersen RRC) located at 2331 Menaul Blvd NE, Albuquerque, NM by the BOP to serve the last 120 days of his custodial sentence. Upon intake, GARCIA signed the Acknowledgement of Custody form that states “I understand that I am in the custody of the Attorney General of the United States. I further understand that leaving the RRC without

permission of the Center Director or his/her authorized representative, shall be deemed an escape from the custody of the Attorney General.”

9. On August 7, 2023, GARCIA, walked away from the Diersen RRC at approximately 10:56 PM and did not return. At that time, GARCIA did not have any authorization to depart the Diersen RRC from either the BOP, Diersen RRC staff, nor United States Probation.

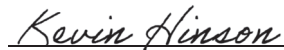
10. On August 8, 2023, at approximately 6:48 AM, a Notice of Escaped Federal Prisoner flyer was issued to the USMS to begin looking for GARCIA. The escape flyer listed GARCIA’s biographical information and the fact that GARCIA was consider dangerous and had a history of violent behavior. Per an existing Memorandum of Understanding, the USMS is authorized to enter BOP escapees into the National Crime Information Center (NCIC) and conduct fugitive investigations to locate and apprehend BOP escapees. On August 8, 2023, GARCIA was entered into NCIC as an escapee, with the intended purpose to locate and apprehend GARCIA.

11. On December 29, 2023, the USMS was notified of GARCIA’s arrest by the Bernalillo County Sheriff’s Department (BCSO). BCSO deputies stated they were working an auto theft investigation when they located GARCIA in a stolen vehicle. GARCIA violently fled the scene by assaulting deputies, which led to a SWAT standoff. GARCIA was eventually apprehended, and was found to be in possession of a firearm. While in the custody of BCSO, GARCIA attempted to escape from custody while being transported.

12. Based upon these facts, I have probable cause to believe that GARCIA did knowingly and willfully escape from the custody of the United States Attorney General, or an

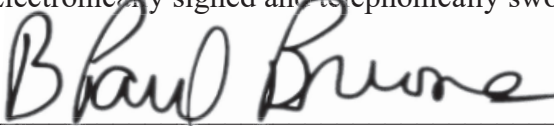
authorized representative, institution, or facility in which he was confined by direction of the Attorney General, in violation of 18 U.S.C. § 751.

Respectfully submitted,



Kevin Hinson
Deputy United States Marshal
District of New Mexico - Albuquerque
United States Marshals` Service

Electronically signed and telephonically sworn on January 5, 2024



Honorable B. Paul Briones
UNITED STATES MAGISTRATE JUDGE